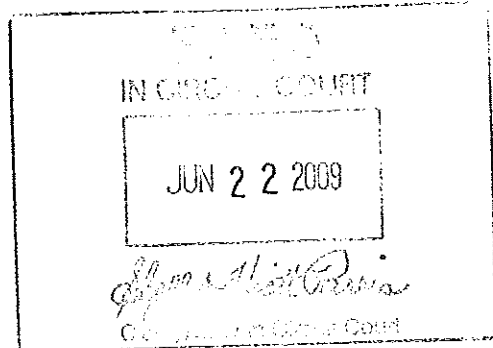


STATE OF INDIANA)
) SS:
COUNTY OF SULLIVAN)

IN THE SULLIVAN CIRCUIT COURT
2009 TERM
CAUSE NO. 77C01-0906-MI-00216

MICHAEL DEVEL WHITENER,)
 Plaintiff)
)
 VS)
)
MATT LEHOR,)
 Defendant)



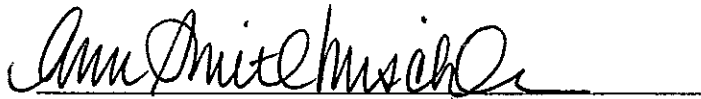
ORDER

Pursuant to I.C. 34-58-1-1, this Court has examined Plaintiff's COMPLAINT and has determined, pursuant to I.C. 34-58-1-2, that the claim is frivolous in that it does not have an arguable basis in the law and does not state a claim upon which relief may be granted. Pursuant to *Hasty v. Broglin*, 531 N.E. 2d 200 (Ind. 1988), there is no constitutionally protected right to judicial review of decisions rendered in the prison disciplinary system. The Plaintiff is claiming that the Defendant has violated his constitutional rights by failing to conduct a hearing to determine administrative segregation status.

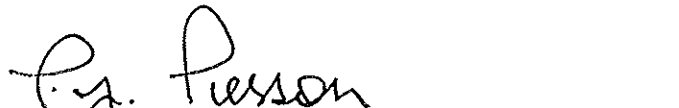
Further, the Plaintiff has not submitted any documentation evidencing that he exhausted all administrative remedies available before filing this cause of action which is a prerequisite to filing suit.

Based on the foregoing, this cause of action cannot proceed and this matter is removed from the Court's active docket.

SO RECOMMENDED this 22nd day of June, 2009.


ANN SMITH MISCHLER, Magistrate
Sullivan Circuit Court

SO ORDERED this 22nd day of June, 2009.


P. J. PIERSON, Judge
Sullivan Circuit Court

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